

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

WILLIAM D. WYATT, JR.,)	
CYNTHIA MCLURE,)	
JESSICA WHALEN-BAINE,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:19-cv-00453-JPH-MJD
)	
TERRE HAUTE POLICE DEPARTMENT,)	
RICK DECKER,)	
KEITH MOWBREY,)	
VIGO COUNTY,)	
)	
Defendants.)	

ORDER

Plaintiffs William Wyatt, Cynthia Mclure, and Jessica Whalen-Bane have filed a complaint alleging Defendants violated their constitutional rights. Dkt. 1.

The Seventh Circuit has described in detail the potential downsides for prisoners proceeding in joint litigation with other prisoners. *See Boriboune v. Berge*, 391 F.3d 852, 854-56 (7th Cir. 2004). It therefore suggested that District Courts “alert prisoners” to these downsides “and give them an opportunity to drop out” of the action. *Id.* at 856. The three primary downsides are the following. First, as noted above, each Plaintiff must pay the \$350.00 filing fee. Second, each Plaintiff risks that any claim deemed sanctionable under Fed. R. Civ. P. 11 could lead to sanctions for each Plaintiff. Third, each Plaintiff incurs a “strike” under § 1915(g) if the action is dismissed

on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.

However, the complaint does not specify whether Plaintiffs Mclure and Whalen-Bane are prisoners. See *dk. 1*. It also does not provide their addresses, and mail to Plaintiff Wyatt's Miami Correctional Facility address has been returned. *Dkt. 4*. The Court must be able to communicate with Plaintiffs for this case to proceed.

Moreover, unless Plaintiffs are attorneys, one Plaintiff cannot speak for the others. *In re IFC Credit Corp.*, 663 F.3d 315, 318 (7th Cir. 2011) (“[I]ndividuals are permitted to litigate pro se, though not to represent other litigants.”). Only Plaintiff Wyatt has signed the complaint and motion to proceed in forma pauperis. *Dkt. 1, 2*.

For this case to proceed therefore, each Plaintiff **SHALL FILE** by **November 8, 2019** a signed statement identifying their address, whether they are prisoners, and whether they choose to maintain this case. This case **shall be dismissed without prejudice** as to any Plaintiff who does not respond. **SO ORDERED.**

Date: 10/2/2019



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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